

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 MAR 10 AM 11:05
08 MJ 0733CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Rogelio MENDOZA-Villanueva,

Defendant

Magistrate Docket No.

COMPLAINT FOR VIOLATION OF:

DEPUTY

Title 8, U.S.C., Section 1326

Deported Alien Found in the

United States

The undersigned complainant, being duly sworn, states:

On or about **March 8, 2008**, within the Southern District of California, defendant, **Rogelio MENDOZA-Villanueva**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


 SIGNATURE OF COMPLAINANT

Ismael A. Canto

Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 10th DAY OF MARCH 2008.

 Leo S. Papas

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Rogelio MENDOZA-Villanueva

PROBABLE CAUSE STATEMENT

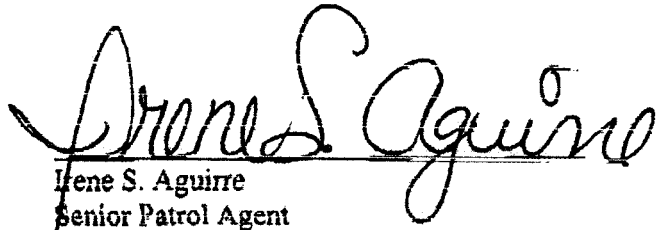
I declare under the penalty of perjury that the following statement is true and correct:

On March 8, 2008, Border Patrol Agent I. Quinones was conducting line watch operations in an area known as "Campos Ditch". This area is approximately four miles west of the San Ysidro, California Port of Entry and is approximately one quarter mile north of the U.S. / Mexico International Boundary Fence. The "Campos Ditch" is commonly used by illegal aliens to further their entrance into the United States due to its close proximity to the border.

At approximately 8:40 a.m., Agent Quinones was notified via service radio of a seismic intrusion activation in the general area of "Campos Ditch". After a brief search of the area Agent Quinones encountered six individuals hiding in the brush. Agent Quinones identified herself as a United States Border Patrol Agent and questioned the six individuals as to their country of citizenship and nationality. All six individuals, including one later identified as the defendant Rogelio MENDOZA-Villanueva, freely admitted to being a citizens and nationals of Mexico and admitted that they possessed no immigration documentation permitting them to be or remain in the United States legally. At 08:50 a.m. Agent Quinones arrested all six individuals and arranged for them to be transported into the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on February 5, 2008, through Nogales, Arizona. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on March 9, 2008, at 10:00 a.m.


Irene S. Aguirre
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on March 8, 2008, in violation of Title 8, United States Code, Section 1326.


Leo S. Papas
United States Magistrate Judge

3/9/08 - 1252 P
Date/Time